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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/677,293 | 10/02/2000 | Paul A. Bolme | 1441-6 | 3664 |

996 7590 09/02/2004

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EXAMINER

MCFADDEN, SUSAN IRIS

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2655

DATE MAILED: 09/02/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,293

Applicant(s)

BOLME ET AL.

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 36-60 is/are rejected.
- 7) ☒ Claim(s) 27-35 and 61-70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-70 and the specification are objected to because of the following informalities: "natural language messages" should be changed to "text messages" because "natural language" refers to a specific term of art associated with speech processing systems. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-25 and 36-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Malec Et al. (5,295,064).

In regard to claims 1-4 and 36-39, Malec et al. show a method and computer readable medium for presenting a message to a user from a bar code device (claimed keystroke output wedge) comprising: receiving and processing input data in a bar code device (col. 22, ln 41-45), correlating the processed data with a message stored in memory, providing from the bar code reader a text message, converting the input data to keystroke data, and transmitting the keystroke data out of the bar code to an aural and visual display (col. 6, total of products in cart, col. 1, ln 58-67, visual and aural messages displayed to a user) at a preselected time.

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In regard to claims 5 and 40, Malec et al. show a method and computer readable medium for presenting a message to a user from a bar code device (claimed keystroke output wedge) comprising: receiving in a bar code device (col. 22, In 41-45) information from an operating system (col. 6, In 25), and providing a text message from the bar code reader to a user as a function of the information received from the operating system (col. 6, total of products in cart, col. 1, In 58-67, visual and aural messages displayed to a user).

In regard to claims 6,7,10,14,17,23,41,42,45,49,52, and 58, Malec et al. show that the operating system can be queried for information using a preprogrammed inquiry (col. 21-22, Figs. 9A-B, recipes, rebates) that receives keystroke input.

In regard to claims 8,9,15,16,18,20,21,22,43,44,50,51,53,55,56, and 57, Malec et al. show that the text message can be a prompt soliciting the user to provide input (Fig. 9B, col. 2, In 4-15, interact with the consumer to distribute information) and generate feedback.

In regard to claims 11-12 and 46-47, Malec et al. show that the natural language messages can be provided audibly or visually (col. 1, In 58-60).

In regard to claims 13 and 48, Malec et al. show a method and computer readable medium for presenting a message to a user from a bar code device (claimed keystroke output wedge) comprising: querying an operating system for information (col. 21-22, Figs. 9A-B, recipes, rebates), receiving in a bar code device (col. 22, In 41-45) information from an operating system (col. 6, In 25), and providing a text message from the bar code reader to a user as a function of the information received from the

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operating system (col. 6, total of products in cart, col. 1, ln 58-67, visual and aural messages displayed to a user).

In regard to claims 19 and 54, Malec et al. show a method and computer readable medium for presenting a message to a user from a bar code device (claimed keystroke output wedge) comprising: querying an operating system for information (col. 21-22, Figs. 9A-B, recipes, rebates), receiving in a bar code device (col. 22, ln 41-45) information from an operating system (col. 6, ln 25), providing a text message from the bar code reader to a user as a function of the information received from the operating system, and converting the user input data into keystroke data, and transmitting the keystroke data to an operating system (col. 6, total of products in cart, col. 1, ln 58-67, visual and aural messages displayed to a user).

In regard to claims 24-25 and 59-60, Malec et al. show that the bar code reader (claimed keystroke output wedge) inputs data (UPC codes, col. 22).

Allowable Subject Matter

4. Claims 26-36 would be allowable if rewritten or amended to overcome the objection cited above in this Office action relating to "natural language messages".
5. Claims 61-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Malec et al. shows the method and a computer program capable of inputting data from a bar code reader and generating output messages. In


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regard to claims 26-35 and 61-70, Malec et al. does not specifically show that a Windows type operating system is used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

August 24, 2004